
CHEVY CHASE VILLAGE
BOARD OF MANAGERS
APRIL 11, 2011 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS
FROM: MICHAEL YOUNES, DIRECTOR OF MUNICIPAL OPERATIONS *MY*
CC: SHANA DAVIS-COOK, VILLAGE MANAGER
JERRY LESESNE, DIRECTOR OF PUBLIC WORKS
DATE: 4/7/2011
SUBJECT: RECOMMENDED MODIFICATIONS TO CHAPTER 10: HEALTH AND SANITATION OF
THE VILLAGE CODE

Over the past three (3) months the Village Public Works Committee has been meeting to discuss possible modifications to the Chapter 10 of the Village Code in response to recent abuse of the Village's special pick-up program.

As a result of the meeting the Village Public Works Committee along with support from Ms. Patricia Baptiste as the Board's Liaison to the Committee has drafted the attached re-write of Chapter 10. Based on the re-write a number of other modifications relating to this Code section and cross-references would be required. For the Board's reference, I have outlined them below:

1. The Public Works Committee has recommended the removal of Article V. Trees from Chapter 10 and recommends the Article be included in Chapter 17: Urban Forest.
 2. The cross reference for section 10-6 would need to be changed to read "Cross reference(s)—Fine for violation of this section, §6-3(b)(1).
 3. The cross reference for section 10-10 would need to be changed to read "Cross reference(s)—Fine for violation of this section, §6-3(b)(2).
 4. The cross reference for section 10-11 would need to be changed to read "Cross reference(s)—Fine for violation of this section, §6-3(b)(3).
 5. A cross reference for section 10-15 would need to be added to read "Cross reference(s)—Fine for violation of this section, §6-3(b)(7).
 6. The cross reference for section 10-16 would need to be removed or a fine would have to be established.
 7. Chapter 6 §3(b)(1) would need to be changed to read "Section 10-6, garbage containers".
 8. If the Board chooses a fine would need to be established for §10-16 in Chapter 6.
 9. Chapter 6 §3(b)(8) would need to be changed to read "Section 10-17, "maximum height of grass and weeds".
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Chapter 10 HEALTH AND SANITATION*

*Cross reference(s)--Buildings and building regulations, Ch. 8; animal control, Ch. 18.

Article I. In General

§ 10-1. Definitions.

Article II. Administration

§ 10-2. Title and administration of Chapter.

§ 10-3. Authority of the Village Manager to regulate and control collection of refuse and hazardous waste

§ 10-4. Establishment of rules and regulations for collection or disposal of refuse and hazardous waste.

§ 10-5. Authority to contract with private collectors.

Article III. Refuse Collection

§ 10-6. Regular collection of household garbage, trash, and mixed recyclables

§ 10-7. Special pickups of rubbish.

§ 10-8. Exceptions.

§ 10-9. Pickup of lawn and garden debris.

Article IV. Prohibitions

§ 10-10. Accumulation of refuse, construction rubble or hazardous waste.

§ 10-11. Placement of refuse, construction rubble or hazardous waste on public or private property prohibited.

§ 10-12. Restrictions on use of public trash receptacles.

§ 10-13. Advertisements and handbills.

§ 10-14. Liquids and gases.

§ 10-15. Use of poison.

§ 10-16. Hazardous waste disposal.

§ 10-17. Maximum height of grass and weeds.

Article VI. Enforcement

§ 10-27. Notice to abate prohibited conditions.

§ 10-28. Abatement of prohibited conditions by the Village.

§ 10-29. Penalties.

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Household garbage and trash: All organic waste, including the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling or storage of food; and all other waste materials normally generated and accumulated in a house.

Lawn and garden debris: All yard trash, including dead trees, grass clippings, tree limbs, stumps, bushes and leaves; and all other debris of the type normally generated and accumulated in gardening, lawn care and tree care.

Rubbish: All refuse other than household garbage and trash, recyclable material, and lawn and garden debris. This shall include ashes, junk, street refuse and all other solid waste materials including salvageable waste, but not hazardous waste or construction rubble.

Household Hazardous Waste: Household products that can no longer be used that contain corrosive, toxic, or ignitable materials such as household cleaners, paint thinners, motor oils, gasoline and pesticides

Recyclable Material: including but not limited to newspaper, cardboard, cans, jars and bottles.

Construction Rubble and Debris: material from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including materials such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components.

Refuse: Household garbage and trash, recyclable material, lawn and garden debris and rubbish.

Cross reference(s)--Definitions generally, § 1-2; rules of construction generally, § 1-3.

ARTICLE II. ADMINISTRATION

Sec. 10-2. Title and administration of Chapter.

This Chapter shall be known as the "Health and Sanitation Ordinance" of the Village and shall be administered by the Village Manager.

Sec. 10-3. Authority of the Village Manager to regulate and control collection of refuse and hazardous waste.

The Village Manager is authorized to regulate and control the collection of refuse and hazardous waste in any part of the Village.

Sec. 10-4. Establishment of rules and regulations for collection or disposal of refuse and hazardous waste.

Collection or disposal of refuse and hazardous waste shall be in accordance with such rules and regulations as the Village Manager shall establish with the concurrent approval of the Board of Managers.

Sec. 10-5. Authority to contract with private collectors.

The Village Manager, with the approval of the Board of Managers, shall have the authority to enter into contracts with a private licensed collectors and haulers of refuse and hazardous waste for the Village.

ARTICLE III. REFUSE COLLECTION

Sec. 10-6. Regular collection of household garbage, trash, and recyclable material.

- (a) All household garbage and trash shall be placed in bags and left for collection at the rear of the dwelling unit.
- (b) It shall be the responsibility of the occupant or owner to provide a sufficient number of approved containers for storage of household garbage and trash to prevent overflow between times of collection.
- (c) All containers for the storage of household garbage and trash shall be vermin-proof and waterproof, of non-corrosive material or similar material, and shall be equipped with tight-fitting lids at all times.
- (d) Liquids must be placed in a leak proof containers.
- (e) Recyclable material must be placed in the approved containers provided by the Village and paper and paper products must be separated from other recyclable material.

Cross reference(s)--Fine for violation of § 10-6(d), § 6-3(b)(1).

Sec. 10-7. Special pickups of rubbish.

The Village will make special pickups of rubbish by arrangement of the owner or occupant with the Village office.

Sec. 10-8. Exceptions.

The Village will not collect or remove in either regular or special pickups, any construction rubble and debris, hazardous waste, objects weighing in excess of 50 pounds, or other material which the Director of Public Works determines would unreasonably burden staff. The owner or occupant shall be responsible for removing the aforesaid types of refuse.

Sec. 10-9. Pickup of lawn and garden debris.

The Village will pick up lawn and garden debris throughout the work week as time is available. The owner and/or occupant shall place grass clippings, leaves, garden trash, yard trash, and limbs less than three (3) feet in length along the curb for collection by the Village. Under no circumstances shall any such matter be placed in the street. Special rules apply to property abutting Connecticut Avenue, Brookville Road and Bradley Lane. Lawn and garden debris, other than leaves, generated and accumulated by private lawn and garden services must be removed by the contractor. Tree removal services are responsible for the disposal of all tree debris.

ARTICLE IV. PROHIBITIONS

Sec. 10-10. Accumulation of refuse, construction rubble or household hazardous waste.

(a) No person shall allow, on property owned or occupied by him, accumulation of refuse, construction rubble or hazardous waste, with the following exceptions:

- (1) Refuse stored in accordance with this Chapter and awaiting collection by the Village.
- (2) Accumulation of matter for garden compost intended for use only on the property on which it is stored.
- (3) Accumulation of firewood provided that the wood is cut into fireplace-size lengths and stacked so as to not be hazardous or attract vermin.

Cross reference(s)--Fine for violation of this section, § 6-3(2).

Sec. 10-11. Placement of refuse, construction rubble or household hazardous waste on public or private property prohibited.

No person shall place refuse, construction rubble or household hazardous waste upon any street or public right-of-way within the Village or upon any property other than their own except for lawn and garden debris which may be placed on the public right-of-way but not on any paved or unpaved street, gutter or sidewalk.

Cross reference(s)--Fine for violation of this section, § 6-3(c).

Sec. 10-12. Restrictions on use of public trash receptacles.

No person shall deposit refuse in the trash receptacles provided by the Village, except for refuse normally and reasonably deposited by a pedestrian in lieu of discarding of the same on the streets and highways of the Village.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(4).

Sec. 10-13. Advertisements and handbills.

No person shall distribute any advertisements, circulars, handbills, newspapers or other materials within the Village in such a manner that they may be blown away.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(5).

Sec. 10-14. Liquids and gases.

No person shall allow to accumulate, throw, place, discharge or cause to flow into any public or private property or into the air any foul or hazardous liquids, gases or other matter that would endanger the public health, safety or welfare.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(6).

Sec. 10-15. Use of poison.

No person shall spread or cause to be spread any poisonous matter in such manner as to violate State or Federal law.

Sec. 10-16. Household hazardous waste disposal.

Hazardous waste must be disposed of in a safe and effective manner. Such waste may not be placed with household trash nor may liquid hazardous waste be introduced into the household drain, storm sewer or deposited onto the ground.

Cross reference(s)--Fine for violation of this section, § 6-3(c)(7).

Sec. 10-17. Maximum height of grass and weeds.

No person shall permit or allow any non ornamental grass or weeds to grow on any land owned or occupied by the resident, to a height in excess of ten (10) inches above the ground.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(8).

ARTICLE VI. ENFORCEMENT

Sec. 10-27. Notice to abate prohibited conditions.

Whenever any condition prohibited by this chapter shall be found to exist within the Village, the Village Manager or his designee shall give notice to the owner or occupant of the premises or the person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice.

Sec. 10-28. Abatement of prohibited conditions by the Village.

If any person shall fail or refuse to abate any condition prohibited by this chapter after receipt of notice pursuant to section 10-28, such condition may be abated by the Village at the expense of the person named in such notice. Abatement by the Village shall not prohibit the prosecution of the person responsible for the condition abated.

Sec. 10-29. Penalties.

Violations of this chapter are declared to be municipal infractions and enforceable pursuant to the provisions of Chapter 5. The maximum penalty for each initial and repeat violation shall be established by the Board of Managers.